

The Conservation Commission Permitting Process – An Applicant’s Guide (During Covid-19)

The Weston Conservation Commission (WCC) has prepared this flyer to explain what you, as an Applicant of a Notice of Intent filed for a proposal to conduct work in or near wetlands, can expect during the permitting process. Our hope is to help you understand what will happen at your wetlands hearing and to explain what special conditions and perpetual conditions will most likely be included in your wetlands permit. To reach the WCC Commission, please call 781-786-5068 or email Conservation@WestonMA.gov.

Who is the Conservation Commission?

The WCC is a 7 member volunteer board responsible for administering the Massachusetts Wetlands Protection Act (WPA). Any proposed work (cutting vegetation, grading, building, digging, etc.) within 100-feet of Wetland Resource Areas (i.e. wetland, seasonal stream, pond, etc.) or 200-feet from a perennial (year-round flowing) stream require review and approval by the Conservation Commission. In general, most activities within the 100-foot buffer zone are allowed with a permit, so long as all activity is at least 25-feet away from the edge of the wetland resource area.

What needs to happen before my public hearing?

Since you are proposing to conduct work in the 100-foot buffer zone or within a Resource Area, you have filed a wetlands application, called a Notice of Intent, with the Conservation Commission. You have been given the ‘official hearing notification form’ which provides information about:

- Your requirement to notify abutters of your upcoming public hearing, and
- The WCC’s intent to visit your site the morning of your hearing & what is needed to be done before that visit.

What Should I Expect at the Virtual Public Hearing?

You or your representative must be virtually present and be prepared to give a brief presentation to the WCC about your proposal. Before the meeting, you should let Conservation Agent know whether you would like to ‘share’ your screen for your presentation or you would like the Agent to share the screen with your plan on it. Please be prepared to show a colored-up version of your plan that is easy to see on a Zoom screen. A sample of a plan prepared for a virtual meeting can be found here: www.tinyurl.com/sampleZoomConComPlan. The WCC will ask questions. Then, the WCC Chair will ask if anyone in the audience has questions or wishes to offer an opinion as it relates to wetland protection. Normally, hearings last approximately 20 minutes. Most residential projects, which are proposing work at least 25-feet from all Wetlands, are permissible. Once the WCC questions are answered and if there are no outstanding issues, the Commission will likely vote to close the hearing, approve your project, and issue a WPA permit, called an Order of Conditions (OOC). The OOC will be issued within 21 days of your hearing. In rare circumstances, the WCC can deny a project if it cannot be adequately conditioned to protect the adjacent wetlands.

What types of Special Conditions can I expect on my permit?

The OOC will include a number of special conditions which you are required to follow. A sample list of the WCC’s Special Conditions can be found here: www.tinyurl.com/WCCspecialconditions. Most of these conditions involve standard requirements that must occur:

- Before construction (i.e. calling the WCC for a pre-construction site inspection of erosion controls)
- During construction (i.e. maintaining your erosion controls, ensuring construction equipment is kept in good working order, and that any stockpiling of material is kept a certain distance away from wetlands)
- After construction (i.e. once the site is stable, all erosion controls must be removed and properly disposed of)
- Perpetual Conditions – the Commission often requires that landowners not use herbicides, pesticides, and road salt within the 100-foot buffer zone as these chemicals can adversely affect the ecological integrity of these sensitive resource areas. [See page 2 for more information about perpetual conditions.](#)

What if I have concerns about one if these conditions? Please raise any concerns you have regarding these special conditions during your Hearing. This is the best time to try to work out the language and details.

How Can I Appeal? Appeals of the Conservation Commission’s OOC is called a Request for a Superseding Order of Conditions. It must be made to the Department of Environmental Protection within 10 business days using forms supplied by DEP. For more information, please see: www.tinyurl.com/DEPap appealprocess.

WESTON CONSERVATION COMMISSION - PERPETUAL CONDITIONS

The Weston Conservation Commission often includes a number of perpetual conditions on the Order of Conditions. These perpetual conditions shall run with the land and be binding in perpetuity on all successors in title. They are ongoing and do not end upon completion of this project. Furthermore, adherence to these conditions is the responsibility of the owner of record of this property. Please raise any concerns you have regarding the following perpetual conditions during your Hearing. This is the best time to try to work out the language and details.

1. “The policy of the Weston Conservation Commission is that no new work (with the exception of the maintenance of the existing lawn) may be performed within 25 feet of the edge of an area subject to protection under the Mass. Wetlands Protection Act.” In order to protect water supplies and wildlife habitat, to prevent pollution and storm damage, and to provide flood control, the policy of the Weston Conservation Commission is that no work may be performed within a 25-foot No-Disturb Zone (NDZ). In the Commission’s experience, activities undertaken within 25 feet of the edge of a resource area have a high likelihood of adverse impact upon the protected resource area as a consequence of either construction activity or the daily use and operation of the completed project.
2. “No sodium chloride deicing agents shall be used on this property within Riverfront Area and the 100-foot buffer zone.” Road salt runs off from roads into soil & wetlands, prevents plants from absorbing moisture and nutrients, and leaches heavy metals. It also corrodes vehicles, hurts the paws of our pets, and attracts deer, increasing road kill. Local Hardware stores sell a variety of alternative de-icers, such as magnesium chloride, calcium chloride and environmentally-safe products such as [Safe Paw](#) & [EcoTraction](#). More information can be found here: <http://www.greenmoxie.com/natural-green-salt-alternatives-for-melting-ice-and-snow/>
3. “The use of pesticides, herbicides, fungicides or insecticides is prohibited within the Wetland Resource Areas and Buffer Zones. Only the use of slow-release organic granular type fertilizer is allowed in the Buffer Zone.” Pesticide and fertilizer contaminate water by washing into waterways along with eroded sediments, killing aquatic life and depleting soil, making it more erodible. Instead, remove pests or weeds manually by hand or hose; use a natural predator instead (ladybugs); or use a non-harmful alternative (herbs, hot spices). Try Deadeye (a vinegar-based formula) and WOW (nitrogen fertilizer) made from corn gluten. You can also pour boiling water or white vinegar on smaller weeds, like ones in walkway cracks. A list of non-chemical, natural insect repellents is available at: www.eartheasy.com/live_natpest_control.htm.
4. Drain Swimming Pools Wisely – Swimming pools contain chlorine which pollutes water and can impact plants and wildlife. Even seemingly small concentrations of chlorine can harm or kill aquatic life. The U.S. Environmental Protection Agency acknowledges that at 1mg/L or less chlorine has a high acute toxicity to aquatic organisms. Never drain a pool or a hot tub directly into a body of water. The best option is to discharge chlorinated water over landscaping using the following steps: (1) shut off the chlorination system or stop adding chlorine 7-10 days before draining pool water; (2) make sure the pH level is between 6.5 and 8.5, the normal pH range of surface and ground waters; (3) Never drain pool water directly into a street, gutter, or within 25 feet of a wetland, or onto someone else’s property. Read [DCR’s Flyer on Swimming Pools](#) here: <http://www.mass.gov/eea/docs/dcr/watersupply/watershed/npdespool.pdf>
5. “The maintenance or repair of all stormwater management structures/components shall be the responsibility of the Owner. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained and inspected as detailed in the Operation and Maintenance Plan.” Many additions and newer homes are built with sophisticated stormwater management structures that are often installed under yards and driveways. These stormwater structures need to be annually inspected. Be sure to ask about the required operation and maintenance of your stormwater structures.